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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/189,365	11/09/1998	NIELS GEBAUER	33012/253/10	5433

7590   01/02/2002

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EXAMINER
ROBINSON, GRETA LEE

ART UNIT	PAPER NUMBER
2177	

DATE MAILED: 01/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

Office Action Summary	Application No.	Applicant(s)
	09/189,365	Gebauer et al.
	Examiner	Art Unit
	Greta Robinson	2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ___*3*___ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *Oct 16, 2001*

2a) ☒ This action is **FINAL.**   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-20* is/are pending in the application.

    4a) Of the above, claim(s) _____ is/are withdrawn from consideratio

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-4, 6-14, and 16-20* is/are rejected.

7) ☒ Claim(s) *5 and 15* is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11) ☒ The proposed drawing correction filed on *Jul 9, 2001* is: a) ☒ approved b) ☐ disapproved.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

    a) ☐ All b) ☐ Some* c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____ .

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    *See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15) ☒ Notice of References Cited (PTO-892)

16) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)

17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

18) ☐ Interview Summary (PTO-413) Paper No(s). _____

19) ☐ Notice of Informal Patent Application (PTO-152)

20) ☐ Other: _____

Response to Amendment

1.   Claims 1-20 are pending in the present application.

2.   Claims 1-6, 11, 12, 15, 16, and 19 have been amended.

3.   *Cool Ice User's Guide Release 1.0* was cited as prior art in the last office action paper

number five.

Drawings

4.   The corrected or substitute drawings (i.e. red line drawings showing changes to be made)

were received on July 9, 2001. These drawings are approved; but figure 6 fails to show the

proper lead lines with labels note objection below.

5.   The drawings are objected to because figure 6 contains an extra lead without a reference

label and leads for elements 152, 148, 140 and 160 are confusing with respect to the proper

element that should be noted. See MPEP 37 CFR 1.84 (q) and 37 CFR 1.84(r). Correction is

required. Applicant is required to submit a proposed drawing correction in reply to this office

action.

6.   New formal drawings are required in this application because the formal drawing received

on October 16, 2001 fails to comply with the Draftspersons requested changes noted on PTO

form 948 attached to paper number 3 mailed October 24, 2000. Note the new PTO form 948

attached to this paper.

)

Specification

7.   The substitute specification with marked-up copy are approved by the Examiner for entry.

Claim Rejections - 35 USC § 112

8.   Claims 16-20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for

failing to particularly point out and distinctly claim the subject matter which applicant regards as

the invention.

Regarding claim 16, the following claim language is vague: "*means responsively coupled*

to said offering means for preventing said offering means from said offering data processing

services to said user in response to said service request unless said user-id corresponds to a

security profile wherein said security profile permits access to said data table and permitting

access to access to said data table if said user-id corresponds to said security profile". The

wording is akward. Claims 17-20 are rejected based on dependency.

Double Patenting

9.   The nonstatutory double patenting rejection is based on a judicially created doctrine
grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or
improper timewise extension of the "right to exclude" granted by a patent and to prevent possible
harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed.

Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686
F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA
1970);and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to
overcome an actual or provisional rejection based on a nonstatutory double patenting ground
provided the conflicting application or patent is shown to be commonly owned with this
application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal
disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

10.   Claims 1, 6, 11 and 16 are provisionally rejected under the judicially created doctrine of

obviousness-type double patenting as being unpatentable over claims 1, 6, 11 and 15 of copending

Application No. 09/189,160. Although the conflicting claims are not identical, they are not

patentably distinct from each other because it is well settled that omission of elements and their

functioning is obvious expedient if the remaining elements perform the same function as before.

See In re Karlson 136 USPQ 184 (CCPA 1963).

This is a provisional obviousness-type double patenting rejection because the conflicting

claims have not in fact been patented.

With respect to claim 1, a data processing environment having a user terminal with a user-

id for generating a service request for access to a data table responsively coupled to a data base

management system having a database containing a first data table and containing a second data

table, the improvement comprising:

a security profile corresponding to said user-id whereby said data base management

system permits said user terminal to access said first data table if and only if said security profile

corresponds to access to said first data table and prohibits access to said second data table if said user-id does not correspond to said second data table [see: **claim 1** of copending application no. 09/189,160]. It would have been obvious to one of ordinary skill to substitute the limitation of a *command language script* in case 09/189,160 claim 1 line 4 for the *user-id* of the present invention because the security profile provides access, identifies and encripts the user-id through use of a command language script. Both claims contain a database management system having a data base for access to data; the distinction being that the present invention further states that the database of the database management system includes a first and second data table.

11. With respect to claim 6:

a. a user terminal having a user-id;

b. a database management system having access to a data base with a plurality of data tables responsively coupled to said user terminal; and

c. a security profile located within said data base management system corresponding to said user-id wherein said data base management system provides access to a particular first one of said plurality of data tables of said data base by said user terminal if and only if said user-id corresponds to said security profile and prohibiting access to a particular second one of said plurality of data tables of said data base by said data base by said user terminal if said uer-id does not correspond to said second one of said plurality of data tables [see claim 6, application no. 09/189,160]. It would have been obvious to substitute the data base management system of app.

09/189,160 for the plurality of data tables since both are essentially the same; that is the plurality

of data tables (present application) are equivalent to the plurality of data bases (application

09/189, 160).

12.   With respect to claim 11, transmitting a service request ... receiving said service request ...

determining a security profile corresponding to said service request; comparing said security

profile with said user-id; and responding to said service request if and only if said user-id

corresponds to said security profile [see claim 11, 09/189,160].

13.   With respect to claim 16:

    a.   Means having a user-id for permitting a user to interact with a data table of a

digital data base having a plurality of data tables using a service request;

    b.   Means responsively coupled to said permitting means for offering data processing

services involving access to said data table to said user in response to said service request; and

    c.   Means responsively coupled to said offering means from said offering data

processing services to said user in response to said service request unless said user-id corresponds

to a security profile wherein said security profile permits access to said data table ... [see claim 16,

application no. 09/189,160 the claim 15; both claims are directed to access to a database based on

the user-id corresponding to the security profile].

Claim Rejections - 35 USC § 102

14.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

15.   Claims 1-4, 6-14, and 16-20 are rejected under 35 U.S.C. 102(b) as being anticipated by

Smith US Patent 4,956,769.

With respect to claim 1, **Smith** teaches in a data processing environment having a user

terminal with a user-id for generating a service request for access to a first data table [col. 1 line

57 through col. 2 line 2] responsively coupled to a data base management system having at least

one database with at least one data table wherein said at least one data table includes said first

data table, the improvement comprising:

a security profile corresponding to said user-id whereby said data base management

system permits said user terminal to access said first data table if and only if said security profile

corresponds to access to said first data table [see: col. 2 lines 2-17; col. 3 lines 58-61; col. 4 lines

8-66; figure 1 and 2].

Smith teaches the invention substantially as cited above, they teach a data processing

environment in which different levels of security may be programmed into the system for access.

16.   With respect to claims 2-4:

(Claim 2) wherein said security profile corresponds to said first data table and does not correspond to access of said second data tables [note I/O operations for access to first and second tables may be defined see col. 2 lines 3-17].

(Claim 3) further comprising a second user terminal with a second user-id for generating a second service request for accessing said second data table wherein said second user terminal is prohibited from accessing said first data table [note rules for specific groups may be defined see col. 2 lines 18-25 and col. 3 line 62 through col. 4 line 68].

(Claim 4) further comprising a third user terminal with a third user-id for generating a third service request for accessing said first data table and said second data table wherein said third user-id corresponds to a third security profile for accessing both of said first data table and said second data table [note col. 2 lines 18-25].

17.   With respect to claim 6:

a. a user terminal having a user-id [col. 1 line 58 through col. 2 line 2];

b. a database management system having access to a data base with a plurality of data tables responsively coupled to said user terminal [col. 2 lines 3-10; abstract]; and

c. a security profile located within said data base management system corresponding to said user-id wherein said data base management system provides access to a particular one of said plurality of data tables of said data base by said user terminal if and only if said user-id

corresponds to said security profile [col. 2 lines 2-17; col. 3 lines 58-61; col. 4 lines 8-66; figure 1 and 2].

18.   With respect to claims 7-10:

(Claim 7) wherein said user terminal causes said data base management system to communicate with said data table by transferring a service request to said data base management system ... (Claim 8) wherein said data base management system communicates with said data base using particular command language script ... (claim 9) wherein said service request corresponds to said particular command language script ... (claim 10) said security profile corresponds to said particular command language script [figures 1 and 2; also some type of command language script is necessary for I/O interfacing].

19.   With respect to claim 11:

transmitting a service request ... receiving said service request ... determining a security profile corresponding to said service request; comparing said security profile with said user-id; and responding to said service request if and only if said user-id corresponds to said security profile [col. 2 lines 2-17; col. 3 lines 58-61; col. 4 lines 8-66; figure 1 and 2].

20.   The limitations of claims 12-14 have been addressed above in claims 7-10 therefore they are rejected under the same rationale.

21.   With respect to claim 16:

a.   means having a user-id for permitting a user to interact with a data table of a

digital data base having a plurality of data tables using a service request;

b.   means responsively coupled to said permitting means for offering data processing

services involving access to said data table to said user in response to said service request;

c.   means responsively coupled to said offering means from said offering data

processing services to said user in response to said service request unless said user-id corresponds

to a security profile wherein said security profile permits access to said data table [col. 2 lines 2-

17; col. 3 lines 58-61; col. 4 lines 8-66; figure 1 and 2].

Allowable Subject Matter

22.   Claims 5 and 15 are objected to as being dependent upon a rejected base claim, but would

be allowable if rewritten in independent form including all of the limitations of the base claim and

any intervening claims.

Response to Arguments

23.   <u>In the remarks Applicant argued the following</u>: (1) The double patenting rejection is

provisional noting amendments to both applications; and a terminal disclaimer can be sent at a

latter time after the case has been allowed.

In response to Applicant's argument, both applications pertain to security profiling which grants and prohibits access to a data base. The notion of a "table by table" basis for access in the present application is encompassed in application 09/189,160 limitation of access to the database. The database includes a table. Note updated citations.

(2) The security facilities of COOL ICE release 1.0 operate upon permitting or preventing operation of specific service requests without regard to the actual data to be accessed; whereas the present invention permits or limits access to specific data without regard to the actual operation to be performed.

In response to Applicant's arguments, this feature "limits access to specific data without regard to the actual operation to be performed" does not appear to be in the claim. However a new citation is made citing Smith who shows access to specific tables in a database which may be defined by the administrator. A security profile is taught for shared access to tables note citations supra.

24.   Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

25.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kobayashi et al. US Patent 6,275,825

26   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office

action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is

reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

27.   Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Greta Robinson whose telephone number is (703)308-7565. The examiner

can normally be reached Monday through Friday from 9:30 AM to 6:00 PM.

If any attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John E. Breene, can be reached at (703)305-9790.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703)746-7238, (for formal communications)

Or:

(703)746-5657, (for informal or draft communications, please label "PROPOSED" or

"DRAFT")

Hand delivered responses should be brought to Crystal Park II, 2021 Crystal Drive,

Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be

directed to the Group receptionist whose telephone number is (703)305-9600.

Greta Robinson

December 21, 2001